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Attorneys for Defendant Google LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

V.

GOOGLE LLC

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF DONALD SETH
FORTENBERY IN SUPPORT OF
DEFENDANT GOOGLE LLC'S MOTION
TO EXCLUDE PLAINTIFFS' LATE
DISCLOSED AND IRRELEVANT
WITNESS BLAKE LEMOINE**

The Honorable Yvonne Gonzalez Rogers
Date: November 15, 2023
Time: 9:00 a.m.
Location: Courtroom 1 – 4th Floor

Trial Date: January 29, 2024

I, Donald Seth Fortenberry, declare as follows:

2 1. I am a member of the bar of the State of New York and an associate attorney for
3 Quinn Emanuel Urquhart & Sullivan, LLP. I make this declaration of my own personal, firsthand
4 knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

5 2. I submit this declaration in support of Google’s Motion to Exclude Plaintiffs’ Late
6 Disclosed and Irrelevant Witness Blake Lemoine.

7 3. Attached hereto as Exhibit A is a true and correct copy of a May 27, 2023 Tweet
8 published from the account @cajundiscordian under the name “Blake Lemoine,” which is available
9 online at <https://twitter.com/cajundiscordian/status/1662594469848563713?s=20>.

10 4. Attached hereto as Exhibit B is a true and correct copy of an October 6, 2022 Tweet
11 published from the account @cajundiscordian under the name “Blake Lemoine,” which is available
12 online at <https://twitter.com/cajundiscordian/status/1578029909791764481?s=20>.

13 5. Attached hereto as Exhibit C is a true and correct copy of a January 31, 2023 Tweet
14 published from the account @cajundiscordian under the name “Blake Lemoine,” which is available
15 online at <https://twitter.com/cajundiscordian/status/1620516603254439944?s=20>.

16 6. Attached hereto as Exhibit D is a true and correct copy of a September 10, 2023
17 email from Plaintiffs' counsel Alex Frawley (AFrawley@susmangodfrey.com) to Google's counsel.

18 I declare under penalty of perjury of the laws of the United States that the foregoing is true
19 and correct.

20 || Executed in Hoboken, New Jersey on October 11, 2023.

By /s/ Donald Seth Fortenberry
Donald Seth Fortenberry